

"Unofficial / Draft"

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
SAFETY AWARENESS BOARD**

Thursday, November 17, 2011

8:30 A.M.

In attendance:

Eric Anderson

Timothy Byrne

Robin Coia

Nicholas Giardino

James Jackson

Edgar Ladouceur

Joseph Sabitoni, Chair

Bernard Trembl

Mark Ryan, Investigator

Benjamin Copple, Legal Counsel

Not in attendance: Wayne Coulombe

Meeting was called to order at 8:37 am by Joseph Sabitoni. A quorum is present.

Minutes:

Regarding the minutes of the September 22, 2011 meeting; James Jackson made a motion to accept the minutes; seconded by Nicholas Giardino and passed unanimously by the board.

Hearings:

- 1.) Kevin K. Guarriello – Violation #4112**
- 2.) Keneth Terranova – Violation #4113**
- 3.) We Lease It, Inc. – Violation #4111**

Kevin K. Guariello and Keneth Terranova are not present. Kevin Sweet, Project Manager for We Lease It, Inc. is present. Benjamin Copple, Legal Counsel for the Department, informs Mr. Sweet that, according to law, unless a person is an attorney in Rhode Island they cannot represent another individual. He can testify before the Board as a witness but he cannot represent someone. Kevin Sweet and Mark Ryan are sworn in for testimony.

Mark Ryan presents the violation: On June 28th 2011, Mr. Mark T. Ryan, Prevailing Wage Investigator, visited the University of Rhode Island – Ryan Center Almond Plaza project and interviewed Keneth Terranova and Kevin Guariello of We Lease It, Inc. These individuals were working on the project OSHA-10 Hour certification. This is a violation of RIGL 37-23-1 “Safety Awareness Program Required.” Violations 4111, 4112 and 4113 were issued.

Kevin Sweet, Project Manager for We Lease It, Inc., addressed the Board. Mining Certificates are marked Respondent's Exhibit A (Kevin K. Guariello's certificate) and Respondent's Exhibit B (Keneth Terranova's certificate) and are made part of the administrative record. The Board questions Mr. Sweet. Copies of OSHA 10 Cards for Kevin K. Guariello and Kenneth Terranova are marked Respondent's Exhibit C. Questioning continues of Mr. Sweet and Mark Ryan.

Regarding Kevin K. Guarriello, Violation # 4112: Nicholas Giardino made a motion that violation # 4112 did in fact occur; seconded by Tim Byrne and passed unanimously by the Board. Regarding the penalty for Violation #4112, Tim Byrne made a motion that the original fine of \$250.00 be upheld, seconded by Nicholas Giardino and passed unanimously by the Board.

Regarding Keneth Terranova, Violation # 4113: Nicholas Giardino made a motion that violation # 4113 did in fact occur; seconded by Robin Coia and passed unanimously by the Board. Regarding the penalty for Violation #4113, Tim Byrne made a motion that the original fine of \$250.00 be upheld, seconded by Bernard Treml and passed unanimously by the Board.

Regarding We Lease It, Inc., Violation # 4111: Nicholas Giardino made a motion that violation # 4111 did in fact occur; seconded by Eric Anderson and passed unanimously by the Board. Regarding the

penalty for Violation #4111, Tim Byrne made a motion that the original fine of \$1,000.00 be upheld, seconded by Nicholas Giardino. There is a discussion. After the vote the passed unanimously by the Board.

Recommendations will be forwarded to the Director.

4.) Matthew Bouthillier – Violation # 4120

5.) Calson Construction Corporation – Violation #4119

Board member, Edgar Ladouceur, has recused himself from this matter. Caroline Calcagni, President of Calson Construction Corporation; Matthew Bouthillier, employee of Calson Construction Corporation; George Calcagni, Calson Construction Corporation and Mark Ryan, Investigator are sworn in for testimony.

Mark Ryan presents the violation: On August 12th 2011, Mr. Mark T. Ryan, Prevailing Wage Investigator, visited the Veteran's Memorial Auditorium project and interviewed Matthew Bouthillier of Calson Construction Corporation. This individual was working the project without OSHA-10 Hour certification. This is a violation of RIGL 37-23-1 "Safety Awareness Program Required". Violations 4120 and 4119 were issued.

George Calcagni, Caroline Calcagni and Matthew Bouthillier address the Board. The Board presents questions and addresses respondents. A copy of Matthew Bouthillier's certificate from an

online OSHA-10 Hour program is submitted as Respondent's Exhibit A and made part of the administrative record. Questioning continues.

Ron D'Ambruoso, Acting Assistant Director is sworn in and addressed the representatives of Calson Construction Corporation.

The Board continues questioning.

Edgar Ladouceur is sworn in and provides testimony a member of the general public and contractor.

Regarding Matthew Bouthillier, Violation #4120: Nicholas Giardino made a motion that Violation # 4120 did in fact occur; seconded by Eric Anderson and passed unanimously by the Board. Regarding the penalty for Violation # 4120; Tim Byrne made a motion that the fine of \$250.00 be suspended for one (1) year pending no further violation; seconded by Nicholas Giardino and passed unanimously by the Board.

The recommendation will be forwarded to the Director.

Regarding Calson Construction Corporation, Violation # 4119: Based on testimony before the Board, Nicholas Giardino made a motion that Violation # 4119 did in fact occur; seconded by Eric Anderson and passed unanimously by the Board. Regarding the penalty for Violation # 4119; Tim Byrne made a motion that the original penalty of

\$500.00 and seconded by James Jackson. With a vote of five (5) in favor and (1) opposed, with Robin Coia being in opposition, the motion carried. Edgar Ladouceur recused himself.

The recommendation will be forwarded to the Director.

End of hearings.

September Appeal Decisions:

Mark Ryan informed the Board that the September appeal decisions are in their books.

Adjournment:

A motion to adjourn was made by Eric Anderson, seconded by Bernard Trembl and passed unanimously by the Board.

The meeting adjourned at 9:16am.

The next meeting is scheduled for Thursday, December 15, 2011 at 8:30 am.